

REMARKS

The claims are amended in two respects which involve the same one fundamental feature.

Referring to claim 1, step (C) is amended to recite that the streams into which air is separated in that step both consist of gas, specifically, oxygen-rich gas and nitrogen-rich gas. That is, the streams contain only gas. This amendment is supported in the specification by the numerous disclosures of the streams being "gas", and by the common understanding in this technical field that air separation units such as disclosed on page 16, paragraph 37, produce product steams that are entirely gaseous.

In addition, claim 1 is amended in step (E) to recite that the stream which is fed into the combustion device consists of gas, specifically the nitrogen-rich gas. That is, the stream that is fed in step (E) contains only gas. This amendment is also supported in the specification by the numerous references to the stream being a gas stream. Furthermore, this amendment is supported by the fact that the stream fed in step (E) is obtained from the stream that is obtained in step (C).

Claim 2-9, which depend from claim 1, are amended solely in order to provide proper antecedent basis and clarification for the references to the streams that are referred to in those claims.

Claim 10 is amended in the same manner as claim 1, to the same effect: that the streams which are obtained in step (C) of claim 10 contain only gas, and that the streams which are fed in steps (D) and (F) contain only gas. These

amendments, too, are supported throughout the specification.

Claims 11-18 and 20, which depend from claim 10, are amended solely in order to provide proper antecedent basis and clarification for the references to the streams that are referred to in those claims.

Claims 1-7, 9-16, 18 and 20 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 4,568,443 ("Burge") in view of U.S. Patent No. 6,282,901 ("Marin"). This rejection is respectfully traversed.

Claims 1-7, 9-16, 18 and 20 all require that the nitrogen-rich stream that is fed into the combustion device in step (E) of claims 1-7 and 9, and in step (F) of claims 10-16, 18 and 20, consists of gas, that is, contains only gas. As now claimed, these steps require that the gas stream as it is fed into the combustion device contains only gas. Neither Burge nor Marin discloses or suggests such a feature.

The only disclosure in Burge that mentions a nitrogen-containing stream relates to the hopper 145 shown in Figures 13 and 14 and described from column 18, line 44, through column 20, line 54. But that hopper stores pulverized coal in fluidized carrier gas that can be nitrogen, and a "dense phase" fluidized mixture of coal and this fluidized carrier gas (which could be nitrogen) is what exits the device and is then fed with air toward the combustion device of Burge. This disclosure of Burge requires that even if the fluidizing carrier gas is

nitrogen, it still must contain high amounts of solids, namely pulverized coal.

The Office Action referred to Figure 13 of Burge in support of the assertion that Burge discloses feeding a "nitrogen-rich stream", but the claims as amended herein require that the nitrogen-rich stream as fed into the combustion device contains only gas. Therefore, Burge does not disclose or suggest this feature required by applicants' claims.

Marin also fails to disclose or suggest feeding a nitrogen-rich stream into a combustion device. Instead, Marin discloses only that a nitrogen-rich stream is passed through heat exchangers (which are outside any combustion device), or is passed through a gas turbine to generate power: see column 8, lines 17-44. This interpretation is confirmed in Figures 1-4 of Marin: the N₂ stream that leaves air separation unit 20 passes through heat exchangers (represented by the horizontal zigzag lines) and through a turbine 42, but the nitrogen itself is never fed into any combustion device.

Since neither Burge nor Marin discloses or suggests a feature that is required by applicants' rejected claims 1-7, 9-16, 18 and 20, it follows that the rejection of those claims can and must be withdrawn.

Claims 8 and 17 were rejected under 35 USC 103(a) over the combination of Burge and Marin with U.S. Patent No. 4,257,763 ("Reed"). Since claim 8 depends from claim 1, claim 8 also requires in step (E) feeding a nitrogen-rich stream that contains only gas; and claim 17 depends from

claim 10 which requires in step (D) feeding a nitrogen-rich stream that contains only gas. Reed does not disclose or suggest any such feature, which means that since neither Burge nor Marin disclose or suggest this feature the rejection of claims 8 and 17 can and must be withdrawn.

Claim 19 was rejected under 35 USC 103(a) over the combination of Burge and Marin with U.S. Patent No. 5,809,910 ("Svendssen"). Claim 19 depends from claim 10 which requires in step (F) feeding a nitrogen-rich stream that contains only gas. Svendssen does not disclose or suggest any such feature, which means that since neither Burge nor Marin disclose or suggest this feature the rejection of claim 19 can and must be withdrawn.

Claim 21 was rejected, but has been canceled.

For all the foregoing reasons, it is respectfully submitted that all pending rejections of claims 1-21 can and should be withdrawn.

Respectfully submitted,



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